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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,325	11/12/2003	Pierre Rizzo	859063.548	2006
38106 7590 04/16/2007 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVENUE, SUITE 5400 SEATTLE, WA 98104-7092			EXAMINER DOAN, KIET M	
			ART UNIT 2617	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/16/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/712,325	Applicant(s) RIZZO ET AL.	
	Examiner Kiet Doan	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☒ Claim(s) 2-4, 12-14, 17, 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is response to Remarks file on 02/01/2007.

Claims 1-2, 16, 19 are amended.

Claim 21 is new.

Response to Arguments

1. Applicant's arguments filed 02/01/2007 have been fully considered but they are not persuasive.

In response to applicant's argument in claim 5 (which recited similar limitation in claims 16, 19 and 21) that reference not disclose, taught, or suggested "means for demodulating and decoding signals transmitted by another transponder in modulation of a sub-carrier at a second frequency".

Examiner respectfully disagrees, in MacLellan reference teaches "means for demodulating and decoding signals transmitted by another transponder in modulation of a sub-carrier at a second frequency" (Abstract, C2, L15-21, C3, L1-12 teach the remote tags 105-107 receiving modulated RF signal from Interrogator 103-104 as interpreted two transponder communicated to one another and means as signal is transmitted by another transponder and the tag 105 can demodulates the RF signal to recover the information. Further C3, L56- 67, C4, L1-15 teach tag to generate subcarrier frequency by using FSK or Phase Shift Keying (PSK) as read on modulation of a sub-carrier at a second frequency).

Therefore, examiner interpreted means for demodulating and decoding signals transmitted by another transponder in modulation of a sub-carrier at a second frequency" as broadest reasonable interpretation and it is proper.

2. In response to applicant's arguments that reference does not meet the limitation of claim 8 direct towards a transponder.

Examiner respectfully disagrees, in Ward reference illustrate Fig.4 and Fig.5 that teach system 115 wherein contain interrogator 116 and transponder 117 as a whole broad look at system 115, the office interpreted the system 115 as signals transmitted by another transponder wherein contain all limitation of claims as discuss in page 4 in office action (as further clarify that interrogator read on transponder see column 2, lines 59-52).

Therefore, examiner interpreted limitations in claims 8 as broadest reasonable interpretation and it is proper

Allowable Subject Matter

3. Claims 2-4, 12-14, 17, 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. **Claim 1, 5** are rejected under 35 U.S.C. 102(e) as being anticipated by MacLellan et al. (Patent No. 6,456,668).

Consider **claims 1, 5**. MacLellan teaches an electromagnetic transponder intended to draw power necessary to its operation from a field radiated by a terminal of transmission of a carrier at a first frequency and to back-modulate a received signal at a rate of a sub-carrier at a second frequency lower than the first one, comprising means for demodulating signals modulated by said sub-carrier and means for decoding said signals (Abstract, C2, L6-21, C3, L8-67, C4, L1-20, Fig.3, Illustrate tag 105 as read on transponder receiving power and signal from interrogator wherein tag generate sub-carrier (MBS technologies) and demodulated/decoding signal).

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5. **Claims 8-11, 16, 18-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Ward, Jr. (Patent No. 6,943,680).

Consider **claims 8, 16, 19**. Ward teaches a transponder, comprising:

a first circuit to receive a first signal having a first frequency and to provide power from the first signal;

a second circuit coupled to the first circuit to receive a second signal having a second frequency;

a third circuit coupled to the first circuit and coupled parallel to the second circuit to receive a third signal having a third frequency, the third signal being received from another transponder; and

a fourth circuit coupled to the second and third circuits to respectively process the demodulated second and third signals (Abstract, C7, L26-67, C8, L5-46, Fig.4-5 Illustrate first circuit as read on No.118/306, second circuit as read on No.180/346, third circuit as read on No.190/348 and fourth circuit as read on No.200/350).

Consider **claim 9**. Ward teaches the transponder of claim 8 wherein the first circuit includes:

a first capacitor and inductor connected in parallel;

a rectifier circuit having input terminals coupled to the parallel connection of the capacitor and inductor;

a second capacitor coupled to output terminals of the rectifier circuit; and

a voltage regulator coupled to the second capacitor and to the rectifier circuit (C2, L20-67, C10, L38-67, C11, L1-14).

Consider **claim 10**. Ward teaches the transponder of claim 8, further comprising a fifth circuit coupled to the first circuit to transmit a fourth signal (Fig.4-5, Illustrate No. 118/306 as first circuit).

Consider **claim 11**. Ward teaches the transponder of claim 10 wherein the fifth circuit includes a modulator having an output coupled to a transistor (Fig.4-5, Illustrate fifth circuit as read on No.170/344).

Consider **claim 18**. Ward teaches the method of claim 16 wherein distinguishing the received third signal from the second signal includes detecting, filtering a received signal to determine whether it is the third signal or the second signal based on the frequency of the received signal and using frequency bands centered on the second and third frequencies, the method further comprising decoding the filtered signal (Fig.4-5, Illustrate and described No.160/342 as filters and contain decoding the filtered signal).

Consider **claim 20**. Ward teaches the system of claim 19 wherein the means for demodulating the second and third signals include a means in parallel for decoding the second and third signals separately (Fig.4-5, Illustrate parallel decoders 180/346 and 190/348 wherein distinguishing signal).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over MacLellan et al. (Patent No. 6,456,668) in view of Ward, Jr. (Patent No. 6,943,680).

Consider **claim 6**. Ward teach the system of claim 5 wherein each transponder comprises separate demodulators and decoders respectively dedicated to reception of signals transmitted by another transponder and to the reception of signals transmitted by the read/write terminal (Fig.4-5, Illustrate separate demodulators and decoders).

It would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify MacLellan and Ward system, such that separate demodulators and decoders respectively dedicated to reception of signals transmitted by another transponder and to the reception of signals transmitted by the read/write terminal to provide means for avoiding interference signals.

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7. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over MacLellan et al. (Patent No. 6,456,668) in view of Caronni et al. (Patent No. 6,920,330).

Consider **claim 7**. MacLellan teach the limitation of claim as discuss **but silent on** the system of claim 5 wherein the first frequency is 13.56 MHz, the second frequency being 847.5 kHz, and the third frequency being 106.5 kHz.

In an analogous art, Caronni teaches "Apparatus and method for the use of position information in wireless applications". Further, **Caronni teaches** the system of claim 5 wherein the first frequency is 13.56 MHz, the second frequency being 847.5 kHz, and the third frequency being 106.5 kHz (C2, L41-55 teach the transponder operating frequency within range of limitation).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify MacLellan and Caronni system, such that the system wherein the first frequency is 13.56 MHz, the second frequency being 847.5 kHz, and the third frequency being 106.5 kHz to provide means for the system can be flexibility and capability operating frequency.

8. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Jr. (Patent No. 6,943,680) in view of Caronni et al. (Patent No. 6,920,330).

Consider **claim 15**. Ward teach the limitation of claim as discuss above **but silent on** the transponder of claim 8 wherein the first frequency is higher than the second frequency, and wherein the second frequency is higher than the third frequency.

In an analogous art, Caronni teaches "Apparatus and method for the use of position information in wireless applications". Further, **Caronni teaches** the transponder of claim 8 wherein the first frequency is higher than the second frequency, and wherein the second frequency is higher than the third frequency (C2, L41-55 teach the transponder operating frequency within range of limitation).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Ward and Caronni system, such that the first frequency is higher than the second frequency, and wherein the second frequency is higher than the third frequency to provide means for the system can be flexibility and capability operating frequency.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

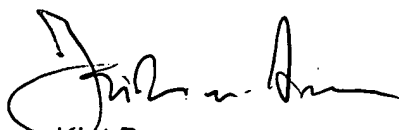
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863.

The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kiet Doan
Patent Examiner



JOSEPH FEILD
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